

REMARKS

The current Amendment is being filed in response to the Office Action dated April 5, 2007.

In the outstanding Office Action, the Examiner rejected the initially-filed claims 1 to 3 as obvious under 35 U.S.C. § 103 in view of U.S. Publication No. 2002/0142195 (Ehara et al.) and U.S. Publication No. 2003/0180582 (Masumoto et al.). The Examiner also rejected the initially-filed claims 4 to 6 as obvious under 35 U.S.C. § 103 in view of Ehara et al. and Masumoto et al. and further in view of U.S. Publication No. 2003/0124420 (Fong et al.).

However, the Applicant respectfully disagrees with the Examiner for the following reasons.

Applicant has amended independent claim 1 to clarify that "the heat protecting element is spaced from a surface of the battery cell, said space being filled with resin of the resin mold section". The present claimed invention obtains an unobvious advantage in that the resin filling the space from the surface of the battery cell insulates the heat protecting element. The result is a more reliable heat protecting element which results in a safer more reliable battery.

In contrast, Ehara et al. has a main object to create a component dispensing space. The battery pack structure disclosed in Ehara et al. provides more space in a dual packing structure that protects lead wires connected to terminals disposed on both sides of a battery cell. The battery pack structure of Ehara et al. has all terminals at one end of the battery cell to protect the terminals by a common cover 41 to efficiently use the limited space. The interior of this cover 41, the component dispensing space, necessarily requires space to, for example, fit all the terminals.

To that end, paragraph [0042] of Ehara et al. states that "the positive and negative terminals 13 and 12...are disposed in the component disposing space 10" and "Furthermore, the PTC element 15 necessary for connection to an external circuit is also disposed in the component disposing space 10, so that all the necessary electrical elements are located inside the cover 41." The space is necessary in the cover 41 of Ehara et al. because locking protrusions 43 formed on the cover 41 are engaged with locking receivers 39 of a battery case 7 as shown in Fig. 7 as show in Fig. 7. Ehara et al. explains: "in assembling the battery pack 1, the locking protrusions 43 formed on the cover 41 are engaged with the locking receivers 39 of the battery case respectively."

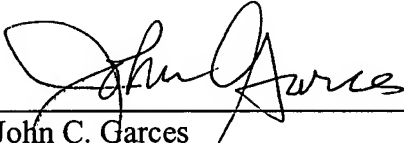
An object of a cell pack disclosed by Masumoto et al. is to "provide a battery united with a substrate by resin molding" (see paragraph [0016] of Masumoto et al.). However, in Masumoto et al., the resin injected between a battery 2 and a circuit substrate 3 hardly reaches to a space between a thermal fuse 10 and an insulation sheet 21 disposed on the battery 2.

Accordingly, a person of ordinary skill in the art would not have been motivated to combine Ehara et al. disclosing the battery pack structure necessitating a space in the cover and Masumoto et al. disclosing a resin injection method, which cannot eliminate a space between the thermal fuse and the battery 2.

The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0055.

Respectfully submitted,

Date: July 3, 2007
New York, New York



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CERTIFICATE OF MAILING

Date of Deposit: July 3, 2007

I hereby certify under 37 C.F.R. 1.8 that this correspondence and enumerated documents are being deposited with the United States Postal Service as First Class Mail with sufficient postage on the date indicated above and is addressed to the Mail Stop - Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Roxanne Garcia

Signature: _____



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